

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2564

To delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, SEPTEMBER 12), 1994

Mr. GREGG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS AND PURPOSE.**

4       (a) FINDINGS.—Congress finds that, in carrying out  
5       title I of the Clean Air Act (42 U.S.C. 7401 et seq.), the  
6       Administrator of the Environmental Protection Agency

1 (referred to in this Act as the “Administrator”) has failed  
2 to—

3 (1) adequately consider alternative programs to  
4 centralized vehicle emission testing programs, as re-  
5 quired by section 182(c)(3)(C)(vi) of such Act (42  
6 U.S.C. 7511a(c)(3)(C)(vi)); and

7 (2) provide adequate credit to States for the al-  
8 ternative programs.

9 (b) PURPOSE.—The purpose of this Act is to require  
10 the Administrator to—

11 (1) reassess the determinations of the Adminis-  
12 trator with respect to the equivalency of centralized  
13 and decentralized programs under section  
14 182(c)(3)(C)(vi) of such Act (42 U.S.C.  
15 7511a(c)(3)(C)(vi)); and

16 (2) issue new regulations governing the pro-  
17 grams that—

18 (A) result in minimum disruption to the  
19 ability of States to comply with other require-  
20 ments of such Act (42 U.S.C. 7401 et seq.);  
21 and

22 (B) provide States a reasonable oppor-  
23 tunity to comply with the new regulations and  
24 implement decentralized testing programs.

1 **SEC. 2. IMPLEMENTATION OF ENHANCED VEHICLE INSPEC-**  
2 **TION PROGRAMS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-  
4 sion of law, a State shall not be required to implement  
5 an enhanced vehicle inspection and maintenance program  
6 under section 182(c)(3) of the Clean Air Act (42 U.S.C.  
7 7511a(c)(3)) prior to March 1, 1996.

8 (b) REASSESSMENT OF REGULATIONS.—

9 (1) IN GENERAL.—The Administrator shall—

10 (A) immediately rescind the regulations is-  
11 sued on November 5, 1992 (57 Fed. Reg.  
12 52950), relating to operation of the program  
13 described in subsection (a) on a centralized  
14 basis; and

15 (B) during the period beginning on the  
16 date of enactment of this Act and ending on  
17 March 1, 1996—

18 (i) reassess the determinations made  
19 by the Administrator with respect to oper-  
20 ation of the program described in sub-  
21 section (a) on a centralized basis, taking  
22 into consideration comments submitted by  
23 States; and

24 (ii) issue new regulations relating to  
25 operation of the program described in sub-

1 section (a) on a centralized basis or decen-  
2 tralized basis, at the option of each State.

3 (2) REQUIREMENTS.—The regulations issued  
4 under paragraph (1)(B)(ii) shall—

5 (A) in accordance with the intent of sec-  
6 tion 182(c)(3)(C)(vi) of the Clean Air Act (42  
7 U.S.C. 7511a(c)(3)(C)(vi))—

8 (i) make reasonably available to  
9 States the option of operation of the pro-  
10 gram described in subsection (a) on a de-  
11 centralized basis; and

12 (ii) establish criteria that a State  
13 must meet in order to demonstrate that a  
14 decentralized program of the State is  
15 equally effective as a centralized program;  
16 and

17 (B)(i) provide each State a reasonable op-  
18 portunity to submit (at the option of the State)  
19 a new revision to a plan under section 182(c)(3)  
20 of such Act (42 U.S.C. 7511a(c)(3)) based on  
21 the new regulations, which revision shall replace  
22 any revision to a plan previously submitted by  
23 the State under section 182(c)(3) of such Act;  
24 and

1 (ii) include a schedule that provides States  
2 a reasonable opportunity to implement any new  
3 revisions to plans that they submit.

4 (3) JUDICIAL REVIEW.—Notwithstanding sec-  
5 tion 706 of title 5, United States Code, or any other  
6 provision of law, if the regulations issued pursuant  
7 to paragraph (1)(B)(ii) are reviewed by a court, the  
8 court shall hold unlawful and set aside the regula-  
9 tions if the regulations are found to be unsupported  
10 by a preponderance of the evidence.

11 (c) PROHIBITION ON IMPOSITION OF SANCTIONS.—  
12 Until such time as the Administrator has carried out sub-  
13 section (b)(1)—

14 (1) the Administrator may not issue a finding,  
15 disapproval, or determination under section 179(a)  
16 of the Clean Air Act (42 U.S.C. 7509(a)), or apply  
17 a sanction specified in section 179(b) of such Act,  
18 to a State with respect to a failure to implement a  
19 program described in subsection (a), or any portion  
20 of such a program; and

21 (2) the Administrator and the Administrator of  
22 the Federal Highway Administration of the Depart-  
23 ment of Transportation may not take any adverse  
24 action, against a State with respect to a failure de-  
25 scribed in paragraph (1), under—

1 (A) section 176 of the Clean Air Act (42  
2 U.S.C. 7506);

3 (B) chapter 53 of title 49, United States  
4 Code;

5 (C) subpart T of part 51, or subpart A of  
6 part 93, of title 40, Code of Federal Regula-  
7 tions (commonly known as the “transportation  
8 conformity rule”); or

9 (D) part 6, 51, or 93 of title 40, Code of  
10 Federal Regulations (commonly known as the  
11 “general conformity rule”).

12 (d) FULL CREDIT FOR DECENTRALIZED PRO-  
13 GRAMS.—Until such time as the Administrator has carried  
14 out subsection (b)(1), for the purpose of the attainment  
15 demonstration and the reasonable further progress dem-  
16 onstration required under section 182(c)(2) of the Clean  
17 Air Act (42 U.S.C. 7511a(c)(2)), the Administrator  
18 shall—

19 (1) deem that the emission reductions cal-  
20 culated by States for inspection and maintenance  
21 under their State implementation plans would be  
22 achieved as if the planned program had been imple-  
23 mented; or

24 (2) if appropriate, consider the operation of the  
25 program described in subsection (a) on a decentral-

- 1        ized basis as equivalent to the operation of the pro-
- 2        gram on a centralized basis in any case in which a
- 3        State demonstrates that a determination of such an
- 4        equivalency is reasonable.

